APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,301	10/11/2001	Steve Grove	2043.53US1	1851

			EXAMINER
49845	7590	08/25/2006	ENGLAND, DAVID E

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ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/976,301	GROVE, STEVE
	Examiner	Art Unit	
	David E. England	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 May 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 – 48</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1 – 48</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>05/19/2006</u>. *PL*

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)   Office Action Summary   Part of Paper No./Mail Date 20060819

PL

DETAILED ACTION

1.   Claims 1 – 48 are presented for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1, 3 – 5, 9 – 12, 14 – 16, 20 – 23, 25 – 27, 31 – 34, 36 – 38 and 42 – 45 are

rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan et al. (5966685)

(hereinafter Flanagan).

4.   Referencing claim 1, as closely interpreted by the Examiner, Flanagan teaches a method

to facilitate translation of communications between entities over a network, said method

comprising:

5.   communicating a plurality of predetermined language constructs to a first entity as a first

transmission over said network, (e.g., col. 4, lines 21 – 37);

6.   responsive to selection by said first entity of a language construct of said plurality of

predetermined language constructs, identifying a translated language construct corresponding to

said selected language construct, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36); and

7.   communicating said translated language construct to a second entity as a second

transmission over said network, wherein said selected language construct is predetermined setup

that is requested by said first entity and translated responsive to said selection by said first entity,

(e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36). Although Flanagan does not explicitly teach the

use of a question, it is well known in the art and would be obvious to one of ordinary skill in the

art that if a user is entering a chat and is required to enter information about what language the

user would like information to be presented to them, it would be implied that the system is

"asking a question" even though it is not stated in a propositional phrase. Furthermore, both

outcomes are the same, the system has information on what language to translate to and/or from.

8.   Referencing claim 3, as closely interpreted by the Examiner, Flanagan teaches retrieving

entity information relating to said second entity based on an identifier of said second entity

selected by said first entity, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36); and

9.   retrieving said translated language construct from a table based on said entity information

and said selected language construct, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

10.   As to claim 4, as closely interpreted by the Examiner, Flanagan teaches said entity

information further comprises a language preference of said second entity, (e.g. col. 4, lines 21 –

37 & col. 5, line 45 – 36).

11.   Referencing claim 5, as closely interpreted by the Examiner, Flanagan teaches said

predetermined setup is requested by said first entity in an electronic commerce transaction over

said network, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36). Although Flanagan does not

explicitly teach the use of a question, it is well known in the art and would be obvious to one of

ordinary skill in the art that if a user is entering a chat and is required to enter information about

what language the user would like information to be presented to them, it would be implied that

the system is "asking a question" even though it is not stated in a propositional phrase.

Furthermore, both outcomes are the same, the system has information on what language to

translate to and/or from.

12.   Referencing claim 9, as closely interpreted by the Examiner, Flanagan teaches said

translated language construct is generated and stored, and said correspondence to said selected

language construct is defined, prior to communication of said plurality of language constructs to

said first entity as said first transmission, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

13.   Referencing claim 10, as closely interpreted by the Examiner, Flanagan teaches at a

network-based transaction facility, storing said plurality of predetermined language constructs

and an associated plurality of translated language constructs so as to define a correspondence

between each language construct of said plurality of predetermined language constructs and at

least one associated translated language construct of said plurality of translated language

constructs , (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

14.   Referencing claim 11, as closely interpreted by the Examiner, Flanagan teaches said

storing is so as to define a correspondence between a set of said plurality of translated language

constructs, each translated language construct of said set comprising a predetermined translation
of a common underlying language construct, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

15.   As per claim 45, as closely interpreted by the Examiner, Flanagan teaches said
predetermined question is translated responsive to said selection of said first entity by retrieving
said translated language construct from a table that includes a plurality translated language
constructs of said predetermined question that are respectively translated into different
languages, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

16.   Claims 12, 14 – 16, 20 – 23, 25 – 27, 31 – 34, 36 – 38 and 42 – 44 are rejected for similar
reasons stated above.

17.   Claims 2, 6, 7, 13, 17, 18, 24, 28, 29, 35, 39, 40 and 46 – 48 are rejected under 35 U.S.C.
103(a) as being unpatentable over Flanagan in further view of Scanlan (6857022).

18.   Referencing claim 2, as closely interpreted by the Examiner, Flanagan does not
specifically teach communicating a plurality of interactive fields to said second entity in said
second transmission to allow said second entity to interact with at least one interactive field of
said plurality of interactive fields in response to said translated language construct. Scanlan
teaches communicating a plurality of interactive fields to said second entity in said second
transmission to allow said second entity to interact with at least one interactive field of said
plurality of interactive fields in response to said translated language construct, (e.g. col. 3, line 63

– col. 4, line 13). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Flanagan with Scanlan because utilizing a drop down menu

allows the user to not type information into the system and possibly mistyping information,

causing errors in the system.

19.   Referencing claim 6, as closely interpreted by the Examiner, Flanagan does not

specifically teach said first transmission is a Hyper Text Markup Language (HTTP) message.

Scanlan teaches said first transmission is a Hyper Text Markup Language (HTTP) message,

(e.g., col. 1, lines 17 – 38). It would have been obvious to one of ordinary skill in the art at the

time the invention was made to combine Scanlan with Flanagan because it would be obvious that

in a communication with a web server that the first communication would be a type of HTTP

message.

20.   As to claim 7, as closely interpreted by the Examiner, Flanagan does not specifically

teach said second transmission is an electronic mail message. Scanlan teaches said second

transmission is an electronic mail message, (e.g. col. 6, lines 31 – 65). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to combine Scanlan

with Flanagan because of similar reasons stated above, also utilizing email gives users the ability

to communicate with other users across a network.

21.   As per claim 46, as closely interpreted by the Examiner, Flanagan teaches all that is

similar to claim 46 as taught in claims 1 and 45 above. Furthermore, Scanlan teaches interactive

fields as taught above. Similarly reasons for combining are also found above.

22.   As per claim 47, as closely interpreted by the Examiner, Flanagan does not specifically

teach said plurality of interactive fields includes a first interactive field, wherein said first

interactive field includes a drop down list that contains a second plurality of predetermined

language constructs that respectively translated into a second language based on a language

preference of said second entity. Scanlan teaches said plurality of interactive fields includes a

first interactive field, wherein said first interactive field includes a drop down list that contains a

second plurality of predetermined language constructs that respectively translated into a second

language based on a language preference of said second entity, (e.g. col. 6, lines 31 – 65). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to

combine Scanlan with Flanagan because of similar reasons stated above.

23.   As per claim 48, as closely interpreted by the Examiner, Flanagan does not specifically

teach receiving a reply message from said second entity that includes a selection of the said

second entity from said first interactive field, said selection of the second entity including a

response from said second entity to said predetermined question that is asked by said first entity.

Scanlan teaches receiving a reply message from said second entity that includes a selection of the

said second entity from said first interactive field, said selection of the second entity including a

response from said second entity to said predetermined question that is asked by said first entity,

(e.g. col. 6, lines 31 – 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Scanlan with Flanagan because of similar reasons stated above.

24.   Claims 13, 17, 18, 24, 28, 29, 35, 39 and 40 are rejected for similar reasons as stated above.

25.   Claims 8, 19, 30 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan in view of Christy (6301554).

26.   As to claim 8, as closely interpreted by the Examiner, Flanagan does not specifically teach said identifier of said second entity is an electronic mail address of said second entity. Christy teaches said identifier of said second entity is an electronic mail address of said second entity, (e.g. col. 2, line 47 – col. 3, line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Christy with Flanagan because of similar reasons stated above. Furthermore, in an email system, in order to send a message, one must have a type of identifier, "an address", or the email cannot be sent.

27.   Claims 19, 30 and 41 are rejected for similar reasons as stated above.

Response to Arguments

28.   Applicant's arguments filed 05/19/2006 have been fully considered but they are not

persuasive.

29.   In the Remarks, Applicant argues in substance that Flanagan does not teach a

predetermined question that is asked by said first entity and translated responsive to said

selection by said first entity. Applicant further states that Flanagan teaches the user may choose a

language preference by selecting the English forum 58. The English forum is associated with the

following translations: English to French; English to German; French to English; and German to

English. Applicant states that this is not the analogues to asking a question. Applicant also states

that Flanagan may be associated with drawbacks, as noted in the Background section of the

present application, paragraphs 2-4, which is also why Flanagan cannot be said to teach or

suggest the above quoted limitations.

30.   As to the First Remark, Examiner has stated that selecting a language as taught in

Flanagan could be interpreted as asking a question. The translation "parings", example English

to French, could also be interpreted as a user being queried, "What would you like to translate

this to?" Anyone of ordinary skill in the art could interpret this type of language selection as a

type of question. As stated before, it can be implied that the system is "asking a question" even

though it is not stated in a propositional phrase. All other claims are still rejected for similar

reasons stated above.

31.   Applicant is invited to contact the Examiner to further discuss this viewpoint if needed.

Conclusion

32.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David E. England whose telephone number is 571-272-3912.

The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the

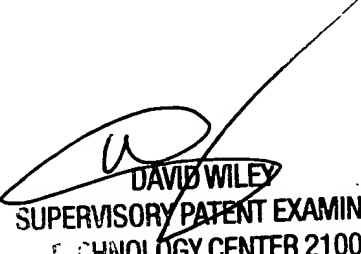organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David E. England
Examiner
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DAVID WILEY
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